

Applicant respectfully submits that Engelson does not anticipate under § 102 because it does not disclose every limitation of the claimed invention. For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. These elements must be arranged as in the claims under review. In re Bond, 910 F.2d 831, 832 (Fed. Cir. 1990).

Each of the claims 39-41 includes the following express limitation contained in claim 39: “wherein said intraluminal prosthesis is a stent.” At the very least, Engelson, which is directed to a detachable pusher-vascoocclusive coil assembly, does not disclose such a prosthesis. The Examiner states that Engelson discloses a self prostheis or stent (13). Applicant respectfully disagrees. The element 13 in Engelson is a vascoocclusive coil and cannot be characterized as a stent. In fact, a vascoocclusive coil, as the name implies, functions in a manner almost opposite to that of a stent. A stent is used to keep occluded arteries open whereas the vascoocclusive coil is used to occlude aneurysms in vessels. Because Engelson does not provide “an stent” as the prosthesis, Engelson fails to disclose the preceding limitation and, therefore, does not anticipate any of the claims that were pending.¹

Applicant respectfully submits that, for the foregoing reasons, claims 39-41 are allowable over the prior art. A notice of allowance is, therefore, respectfully requested.

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¹ None of the foregoing should be construed as an admission that the cited reference discloses any of the other limitations of claims 39-41.

II. PETITION FOR EXTENSION OF TIME TO RESPOND

This response is timely filed. However, if the Commissioner determines that an extension of time is necessary to file the response, Applicant hereby petitions for such extension of time as the Commissioner deems necessary.

III. CONCLUSION

Accordingly, in view of the above remarks, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (949) 250-6801.

If an appropriate payment does not accompany or precede this submission, the Commissioner is hereby authorized to charge any required fees, such as under 37 C.F.R. §§ 1.16 or 1.17, including any petition for extension of time, or to credit any overpayment, to Deposit Account No. 50-1225.

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Respectfully submitted,

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